IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No.3203 /2003

PETITIONER : Jugal Kishore Singh,
S/o Shri Satyapal Singh,
Aged about 40 years,
Occupation- Service, R/o
Vishrampur, P.S. Vishrampur, P.S.
Soorjpur, District- Sarguja (C.G.).

- Versus –

RESPONDENTS :

1. State of Chhattisgarh,
Through Secretary, C-operative
Department, Mantralaya, D. K. S.
Bhawan, Shastri Chowk,
Raipur (C.G.).

2. Deputy Registrar,
Co-operative Societies,
Ambikapur (C.G.).

3. Collery Workers Co-operative
Consumer Stores Ltd. Vishrampur,
Through its President Shri Mangla
Singh Yadav S/o Late Shri Ram
Nandan Singh Yadav, R/o
Vishrampur, P.S. Vishrampur,
Tehsil- Soorajpur District-
Sarguja (C.G.).

4. Shri Mangla Singh Yadav,
S/o Late Shri Ram Nandan Singh
Yadav, R/o Vishrampur, P.S.
Vishrampur, Tehsil- Soorajpur,
District- Sarguja (CG)

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शपथ आयुक्त एस.के शुक्ला बिलासपुर (छ.ग.) 2/11/03 तहसील कोर्ट

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

P. R. No. 3052/03 Presented by Shri Anil Sen dated 31.10.03

Details of the petition.

1. PARTICULARS OF THE PETITIONER:

As per cause title.

2. PARTICULARS OF THE RESPONDENTS :

As per cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3203 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.11.2003

Shri Rajeev Shrivastava, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General for respondent no.1 & 2.

Shri Shailendra Shukla, counsel for respondent no.3 & 4.

By this writ petition under Article 226 & 227 of Constitution of India the petitioner seeks to challenge the order dated 27.09.2003 passed by respondent no.2- Deputy Registrar in case No.13/03/04.

The petitioner's case is that in the city of Vishrampur for the benefit of the employees of the South Eastern Coal Fields Ltd. the society was constituted in the year 1990. The said society is registered under the Chhattisgarh Cooperative Societies Act, 1960. The election for the managing committee of the society was held on 10.06.1998 and in that election the petitioner was elected for the post of Director and vide resolution dated 23.04.2001 the petitioner was appointed on behalf of the society for distribution of the L.P.G. gas cylinders and accordingly, the petitioner was required to arrange funds for the same. Acting on the resolution of the society obtained a loan through the petitioner and the petitioner deposited F.D.R. of his father and one of his friend towards security for obtaining loan of Rs.2,00,000/- from the State Bank of India, Branch Vishrampur and the petitioner also arranged Rs.1,00,000/- from his own sources for doing the work of distribution of gas cylinders. Grievance of the petitioner is that without giving show cause notice and without calling the meeting of Managing Committee respondent no.4 removed the petitioner from the post of

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 3203/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2-	

Director. Being aggrieved by the action of respondent no.4 the petitioner raised a dispute before the respondent no.2 under Section 64 f the Act, which is Annexure P-1. Alongwith the dispute the petitioner also filed an application under Section 151 of Code of Civil Procedure for staying the operation of the order. The respondent no.2 has registered the case and finding a prima-facie case in favour of the petitioner vide order 22.09.2003 granted ex-parte temporary injunction in favour of the petitioner and fixed the matter for hearing on 10.10.2003. In the meantime an application for vacating the stay alongwith an application for urgent hearing was field before the respondent no.2 and respondent no.2 without giving any notice to the petitioner allowed the application for urgent hearing vide order dated 25.09.2003 and fixed the matter for hearing on 27.09.2003 and notice was issued to the petitioner, which was served at the back of the petitioner on his wife at about 0800 hrs in the night of 26.09.2003, at that time the petitioner was at Manendragarh where his wife informed him and the petitioner returned back in the morning i.e. on 27.09.2003 and engaged a counsel and counsel for the petitioner appeared before respondent no.2 and asked for time to file reply and hearing but without giving opportunity of hearing to counsel for the petitioner at about 2.00 p.m. vide impugned order dated 27.09.2003 vacated the stay order granted in favour of the petitioner. Therefore, the impugned order be quashed.

Return on behalf of respondent no.3 & 4 has been filed.

Shri Agarwal, is present on behalf of respondent no.1 & 2.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक 3203/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have heard the learned counsel for the parties.

Perusal of operative part of the impugned order dated 27.09.2003 itself reveals that respondent no.2-Deputy Registrar without giving any opportunity to the petitioner for filing reply and hearing and without assigning any reason, vacated the stay order dated 22.09.2003 by simply mentioning that counsel for the petitioner was already heard on 22.09.2003. This order, on the face of it, itself is perverse and same has been passed without assigning any reason and without giving any opportunity to the petitioner, therefore, the impugned order is set aside and respondent no.2-Deputy Registrar is directed to give opportunity to the petitioner to file reply to the application for vacating stay and passed an appropriate order afresh after hearing both the parties in the matter.

Parties are directed to appear before the Deputy Registrar (respondent no.2) on 28th November 2003 at 10.30 a.m.

With this direction, the petition stands disposed of.

Consequently M.W.P. No. 2915/2003 & I.A. No.9402/2003 for urgent hearing also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge

Roshan/-

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